THE ANTI-IMPERIALIST ANTI-RACIST ORGANISATION

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Liberation

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INCORPORATING THE MOVEMENT FOR COLONIAL FREEDOM (MCF) founded by our late President FENNER BROCKWAY
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Statement by Liberation to the 44th Session of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities, Geneva, August 1992

Under Item 6:

Killings and subversion trials in Indonesia's three colonial territories

Respected chair and members of the Sub-Commission,

Liberation is grateful for this opportunity to address the Sub-Commission once again on the violation of human rights and fundamental freedoms in Indonesia, with particular reference to the situation in three territories where people are waging liberation struggles against Indonesian rule - Aceh, West Papua and East Timor.

The Indonesian authorities recognise that their hold on these three territories is under threat from what they call 'separatist movements', all of which are criminalised by being branded as 'GPK' or 'security disruptor gangs'. Last month, when promoting thirteen army officers for their part in murdering a West Papuan guerrilla leader, Martin Prawar, army chief-of-staff General Edi Sudradjat called for "a concerted push to wipe out militant separatists", alleging that these groups are "an obstacle to economic development". Similarly blood-thirsty statements have been made by military commanders with regard to liberation fighters in Aceh and East Timor.

The Indonesian government's strategy against these liberation movements is basically three-fold: army operations against armed movements resisting Indonesian rule, intimidation of the civilian population to warn them against sympathising with or supporting these resistance movements, and trials in the law-courts where sympathisers are charged, in most cases under the Anti-Subversion Law. The army is responsible for numerous killings and disappearances for which no-one has been charged. Because the authorities prevent the foreign press and independent observers from entering and freely investigating conditions in the three areas, these crimes go on largely unreported.

The trials are intended to create the impression that 'separatists' and their supporters are treated according to due process. The Anti-Subversion Law continues to be used in dozens of cases, despite the recommendation of your Special Rapporteur on Torture, Professor P. Kooijmans in the report of his visit to Indonesia last November, that this Law should be repealed because its definition of subversion is "broad and loose". As he stated, it is not necessary "that the acts concerned actually have the effect of endangering security; it is sufficient that they might have had that effect". No wonder, these subversion trials never result in any acquittals; no wonder, the sentences passed are savage in the extreme. **The vast majority of prisoners serving sentences in Indonesian prisons today have been tried for subversion for supporting the liberation struggles in Aceh, West Papua and East Timor.**

The human rights situation in Aceh is extremely serious. The Sub-Commission has already received a number of complaints over the past two years, yet the UN has taken no action to address the question. Indeed, your Special Rapporteur on Torture was refused permission to visit Aceh when he was in Indonesia last November. In 1989, the *Aceh Freedom Movement* (GAM), also known as the *Aceh-Sumatra National Liberation Front*, renewed its resistance to Indonesian rule. This prompted the regional military commander to tell local people in November 1990: *"If you see a GPK, you should kill him. There's no need to investigate."* According to the most conservative estimates, at least 2,000 persons were killed during army operations from 1989-91. Those who are in contact with the resistance forces believe that the death toll may be ten times that figure. No independent observers have been able to produce an estimate of the scale of the killings in the past few months.

Liberation **appeals to the Sub-Commission to insist that the Indonesian authorities allow a team of the UN Working Group on Disappearances to visit Aceh without delay.**

There have been at least forty subversion trials in Aceh in the past year or so. Those charged and sentenced include civil servants, intellectuals, ordinary villagers and even members of the armed forces. What better proof can there be that resistance to Indonesian rule is supported by people from all layers of society? Trials in the past two months alone have resulted in a 17-year sentence, a 14-year sentence, a 12-year sentence, three 11-year sentences and a 10-year sentence. An academic was sentenced to six years for organising GAM meetings in his office and possessing a photograph of the resistance leader, Tengku Hasan di Tiro. A colleague got 4 years for attending meetings about GAM at his friend's office. Several others await sentencing. The trials in Aceh were analysed at length by the Jakarta-based *Legal Aid Institute* (LBH) in a report entitled, *Summary of the Results of Trial Observations in Aceh*, published in July 1991. This report was banned a month ago by the Indonesian Attorney-General.

In **West Papua**, there have been many reports of army operations against guerrilla units operating near the border with Papua New Guinea. Apart from the operation which led to the murder of Martin Prawar, other operations have come to light largely because they involved illegal incursions by Indonesian troops across the border into Papua New Guinea. Indeed the fight to crush West Papua's *Free Papua Movement*, the OPM, is also being fought out on the territory of Papua New Guinea. PNG villagers were left 'frightened and angry' after Indonesian troops attacked what they alleged to be an OPM camp near the village of Wutung, killing one person and wounding two others. There has been no independent investigation of army killings in West Papua, making it difficult to estimate the scale of atrocities.

Nor has there been any investigation into the death of OPM leader, Melkianus Salosa, who was found dead somewhere near the PNG border on 20 August last year, after allegedly escaping from prison. A cell-mate, Sokrates Yerisitouw, is also believed to have died in the same incident. Sources in Jayapura which cannot be identified insist that the 'escape' was a pretext to justify the murder of Salosa. The OPM leader had been tried and given a life sentence six months earlier, after being forcibly repatriated to Indonesia by the Papua New Guinea authorities.

There are more West Papuans serving sentences for subversion than ~~any other group in Indonesia. According to information from~~ a very reliable source, no fewer than 129 West Papuans have been tried and charged in the past few years, under the Anti-Subversion Law, for supporting the OPM or other movements which reject Indonesian rule. Nearly eighty of them are serving their sentences far from home, in prisons in Java. Most of the sentences are greatly in excess of 6 years; 28 are serving sentences of ten years of more. Since the beginning of this year, a number of West Papuans have been tried on charges of subversion for allegedly sending food and other supplies to OPM guerrillas.

In **East Timor**, the killing of up to 200 peaceful demonstrators at the Santa Cruz cemetery last November has drawn attention as never before to the killer practices of the Indonesian forces of occupation. For years, we had called the attention of the Commission and Sub-Commission to massacres in East Timor, many of which were on a far larger scale than last November's massacre. It was only the presence of foreign journalists and a TV cameraman that impelled these practices onto the world's conscience.

There can be little doubt that the international outcry forced the Indonesian authorities to limit the number of East Timorese tried in the wake of this massacre. Four were tried for subversion, resulting in sentences of 9, 10 and 15 years and one life sentence. Six others, tried on 'lesser' charges for their part in the peaceful demonstration in Dili which led to so many deaths, also received heavy sentences. It is beholden on this Sub-Commission to censure Indonesia for proceeding with these trials, in violation of the undertaking given in the consensus statement of the chairman of the Commission on 4 March which was countersigned by the Indonesian mission, "that those not involved in violent activities are released without delay".

Respected chair and members of the Sub-Commission,

Liberation believes that international investigation teams and visits by the UN's special rapporteurs on torture and on extrajudicial killings should be sent to the three territories where the Indonesian authorities have imposed systems of colonial rule. The tragedy of killings and endless subversion trials cannot be allowed to continue. We urge this Sub-Commission to monitor human rights violations in these three territories and take concrete action to put an end to this violence and terror.

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